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Defining 10/1/02

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September 27, 2002

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IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.

★ OCT 2 2008★

BROOKLYN OFFICE

Re: United States v. Gotti, et als.
02-CR-606

Dear Judge Block:

I enclose herein a corrected brief in support of defendant Vincent Nasso's application to be severed from the remaining racketeering defendants.. Upon review, I found several typographical errors I believe must be corrected for Your Honor. Additionally, please consider this letter an in camera submission in further support of Mr. Nasso's application with regard to his antagonistic defense argument.

First, I draw your attention to certain typographical errors contained in defendant Vincent Nasso's letter brief in support of his application for a severance, dated September 26, 2002, which were inadvertently overlooked by my office. The brief refers to MILA as "Metro-ILA." This is a typographical error and the correct term should be "MILA".

Additionally, on page 4, the taped conversation dated "February 14, 2002" should be February 14, 2001 and the taped conversation dated "February 24, 2001" should be September 24, 2001.

Furthermore, as additional support for Mr. Nasso's antagonistic defense argument, specifically, that he was subject to coercion and threats from Mr. Ciccone and Mr. Cassarino, I refer Your Honor to a transcript dated June 20, 2000, call number 481, government tape number S-2619/00 wherein Mr. Ciccone and Mr. Cassarino refer to how they have been abusing Vincent Nasso on a regular basis.

SONNY: He's a fucking, he's a fucking hypochondriac. This fuck, I don't know, he's fucking nuts. Him and his brother are like two fuckin worry warts.

PRIMO: Yeah, I think he got a little too fuckin high for his breeches for a little while you know. Until you

SONNY: Yeah

PRIMO: Put him right where he had to go.

SONNY: I've been smackin him

PRIMO: You know.

SONNY: I've been smackin him pretty fuckin good.

PRIMO: Yeah, but I guess he understands now.

SONNY: Yeah, aw

PRIMO: You gotta do that, you know what you gotta do.

This is further evidence in support of Mr. Nasso's antagonistic defense argument that Mr. Nasso has been abused and victimized by Mr. Ciccone and Mr. Cassarino.

In conclusion, I most respectfully request that Your Honor consider the above additional evidence in further support of Mr. Nasso's application for a severance from the remaining racketeering defendants and that Your Honor accept the enclosed corrected brief which I submit herein.

Most respectfully submitted,


BARRY LEVIN (2079)

BL/jlb

enc.

cc: AUSA Andy Genser

CASE # 00-018WP

ES# 00-006

DRAFT

DATE: June 20, 2000
DAY: Tuesday

TIME: 1222 hours

CALL #: 481

TELEPHONE #: (917) 991-9965 A

TAPE #: S2619/00

METER #: 198

INTERCEPTED BY: Inv. K. Buttner, OCTF

TRANSCRIBED BY: H. Ceglia, DOL

INCOMING/OUTGOING CALL:

PARTICIPANTS: Primo Cassarino
Sonny Ciccone

[Conversation in progress]

PRIMO: No, I'm on my way there now.

SONNY: Yeah, cause this fuckin traffic over here. I'm on Bradley Avenue. This fuckin thing.

PRIMO: What (Crossover)

SONNY: I've been sittin here for ten fuckin minutes already.

PRIMO: Did it stop?

SONNY: Naw, it's goin, but minga, fuckin slow as a motherfucker (Crossover). Says right past Richmond Ave, they said.

PRIMO: Really.

SONNY: Fuck.

PRIMO: It's always fucked up over there.

SONNY: Did the other guy . . . the guy just announced it, he says that as usual, Staten Island Expressway fucked up

PRIMO: This fuckin, motherfuckin

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CALL # 481

SONNY: I don't know these dirty motherfuck

PRIMO: (Crossover) get you there alright, it's okay

SONNY: And any fuckin where you go these fuckin, motherfuckin

PRIMO: Alright, you wanna know something. Doesn't it pay for you to go all the way around if you're, if you're goin, if you're goin (Crossover)

SONNY: I didn't know I was goin to run into this fuckin thing.

PRIMO: (Crossover) It doesn't even fuckin pay, what do you really save, ten minutes, Sonny. Think about it.

SONNY: If you go all the way around yeah.

PRIMO: Yeah

SONNY: And you gotta go fuckin nuts.

PRIMO: Yeah. I don't know, I don't know. Fuck. You mise well use (Inaudible) It ain't that bad. It's fucked up. But it ain't that bad.

SONNY: Yeah (Crossover) It's movin but it's slow. How's, how did that guy make out?

PRIMO: Alright, good.

SONNY: Yeah.

PRIMO: Yeah (Inaudible)

SONNY: Any problems?

PRIMO: Naw, none at all.

SONNY: There was never none, you know, that guy creates his own.

PRIMO: That's all it was.

SONNY: Vinny.

PRIMO: Yeah, that's all.

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CALL # 481

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PRIMO: You know.

SONNY: I've been smackin him pretty fuckin good.

PRIMO: Yeah, but I guess he understands now.

SONNY: Yeah, aw

PRIMO: You gotta do that, you know what you gotta do.

SONNY: What, ah, he left, he didn't say he's coming back or anything, Vinny.

PRIMO: Ah, no, no, he had a couple of things to do. He hadda go see somebody in Jersey, I think.

SONNY: Ah, alright, I'll tell you when I see you.

PRIMO: Okay, that's it.

SONNY: Alright, so I'll probably be about ten minutes late I guess.

PRIMO: No problem.

SONNY: It's twenty five after. About ten minutes, ten, fifteen minutes (Crossover)

PRIMO: Alright, bye.

SONNY: Okay.

-- END OF CONVERSATION --